President Finley of the Southern Tells Bankers of the Dangers of Repressive Laws That Hamper Efforts to Give Service Adequate to the Demands of Business.

WINSTON SALEM, N. C., May 23 .- W. W. Finley, president of the Southern Railway, to-night addressed the North Carolina State Bankers' Association at their annual banquet responding to the toast "The relation of the railways to the business of the country." He said in part:

Two institutions which do not directly participate in the production of tangible commodities but which are essential to the success of every modern business, are the bank and the railway. It is the function of the bank to extend its credit to the producer and to act as his fiscal agent. It is the fund tion of the railway to carry his goods to

There have been times when there was popular opposition to banks and when legisation has been proposed that would impose serious burdens upon them.

This unreasoning opposition to banks has

disappeared, and it has recently been the turn of the railways to go through a similar ex-Many of our fellow citizens have been misled into unreasoning agitation against ailways and some of the State Legislatures have enacted laws, the tendency of which ust be to cripple the transportation facilities

of the country. The business of the bank and of the railway can properly be subjected to certain reasonable governmental regulation. No objection can be made to such governmental regulation of banking as is necessary to give assurance of the reasonable safety. In the same way there can be no objection to the proper regulation of the railway to prevent discrimination and unreasonable charges But legislation that goes further and destroys or cripples the ability of the railway o maintain and improve its service will be highly injurious to every interest in the com-

As bankers you know that the greatest need of this section at present is increased transportation facilities. As bankers you know that it costs money to build a railway. to buy cars and locomotives, to lay double tracks and to acquire and equip terminal properties. You know that the net income of a railway is entirely inadequate for the provision of funds necessary for the improvements that are needed, and that these funds can be obtained only by the sale of new capital securities; and you know that these securities can be sold successfully only if investors can be assured of the maintenance of the earning power of the roads.

The banker knows the relation between earning power and credit. When one of you has surplus funds to invest in corporate securities the first thing he examines into is whether the earning power of the corporation is such as to guarantee the regular pay ment of interest or dividends and to make it reasonably certain that the securities be sold again for at least as much as

was paid for them.

This is exactly what has been going on in recent months. Large capitalists and small investors, seeing railway net income de creased by the rapid rise in operating expenses, due to high prices of materials and advances in wages, have become alarmed, by the tendency of State Legislatures to impair still further the earning power of the railways by arbitrarily reducing their charges for service and to deplete their income by the imposition of heavy penalties for failure to perform impossible services Holders of railway securities have been selling them and seeking other forms o investment. Few have been anxious to buy and prices have been depressed.

e effect of all this has been to bring about an anomalous state of affairs. At a time when the country as a whole is prospering as never before, when the only apparent obstacle to further advancement is the lack of adequate railway facilities, and when the managers of the railways are ready and anxious to carry out comprehensive plans for the improvement of their systems-plans that in the South alone would involve the employment of thousands of men and the expenditure of millions of dollars-the money markets of the world are almost closed to them and funds for the completion of work now under way have been obtained only by resorting to short time loans at rates of interest much higher than could prudently be paid for the financing of any new under-

taking. It is universally recognized that if men are to be induced to put their money into any business enterprise except a railway they must have some assyrance of a reasonable return on their investment, but many people seem to believe that a railway is different from any other kind of business, that earnings are not essential to its credit. serious mistake. Investors in railway securities are our fellow citizens-men and women acting as individuals or collectively, through the medium of savings banks, insurance companies and other institutions.

Aside from the fact that the American sense of justice and fair play should guarantee to these investors that protection of just laws to which every American is entitled, self-interest should impel every man to do all in his power to bring about such a public sentiment toward the railways as facilitate and hasten the betterment of their lines and equipment and the improvement of their service, rather than re-

I, as a railroad man entrusted with the management of a Southern railway, and you ss Southern bankers, are interested in everything that tends to aid in the development f Southern prosperity.

This is a very practical matter for the South-

ern States, for the demands upon the railways of this section have almost reached the limit of their maximum carrying capacity. On the Southern Railway we are endeavoring in every way possible to increase the effi-ciency of our operation so as to get the maximum of service out of our present plant and the good results of this are daily be coming more apparent, but if we are to keep pace with the rapidly increasing demands for our service, our best efforts in this direction must be supplemented by the expansion and improvement of our facilities.

The practical question for you to consider is whether we should be hampered in our efforts by legislation tending to cripple our ability to maintain and improve our service.

For instance, it must be apparent to each of you that the question of what is a reasonable rate for the transportation of passengers on any particular railway or in any particular State must depend very largely on local conditions. A profitable passenger business sepends on density of traffic.

mere recital of the figures which I have used on a previous occasion must be sufficientto convince you that a passenger rate that might be fairly remunerative in a State like Massachusetts, with an averge population of 370 people per square mile and with 76 per cent., of the population living in cities of 8,000 or over, would be ruinously low if applied in North Carolina, where the average population per square mile is but 40, and where but 5.1 per cent. of the people live in cities of 8.000

I believe that, as I have said, these laws have been enacted without a full understanding of their effect upon the railways and the people of the South, and that when the facts are thoroughly understood our course will meet the approval of all intelligent and thoughtful men who are interested in the prosperity and material advancement of this section.

Mr. Finier closed with an appeal to the people of the South to protect their forests as a great source of future wealth.

The St. Mary's to Be Used as a Training Ship. WASHINGTON, May 23 .- The Navy Department has advised Gov. Hughes of New York that the Board of Education of New York oity will be allowed the use of the St. Mary's, which is to continue as a training chip, as well as the gunboat Newport, which has been assigned to the Nautical School.

THE ONLY SAFEGUARD

There are many questions of fact affecting real estate titles of which no records are kept, and which, therefore, the most careful search cannot reveal.

In all cases of hidden flaws title insurance is the only safeguard, and the best title insurance to be had is that issued by the oldest and strongest title company in New York,

TITLE GUARANTEE AND TRUST CO Capital and Surplus, - \$11,000,000

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DISMISSES SCHIFF'S CHARGE

HANSON COMMENDS ACTION OF TRAFFIC SQUAD MEN.

Banker Accused Them of Unnecessary Brutality to a Truck Driver-Admits Finally That He Might Have Been Mistaken-Many Witnesses for Bluecoats.

Jacob H. Schiff, the banker, appeared at Police Headquarters yesterday as a witness against two traffic squad patrolmen who were tried before Third Deputy Commissioner Hanson on a charge of assaulting Thomas Moore, a driver, on May 15. After Mr. Schiff and several other witnesses testified Mr. Hanson not only dismissed the complaint against the policemen but praised them from the bench and announced that they were deserving of commendation instead of censure.

The accused policemen, Godfrey Knobloch and Louis Kreutzer, arrested Moore at Fifth avenue and Thirty-third street for violating the traffic regulations. He was driving a four ton coal wagon west in Thirtythird street when Knobloch signalled him to haul up before crossing Fifth avenue in order to let a dozen or more vehicles pass. He whipped up his team and started at a lively jog. Knobloch, who was joined by Kreutzer, jumped upon the seat of the wagon and took hold of Moore. He refused to let go of the reins, and both policemen took out their billies and started to beat a tattoo on his fingers. Still he wouldn't let go of the lines, and when the team started up Moore and the two policemen tumbled

to the pavement. Mr. Schiff, who wrote a letter to Com missioner Bingham complaining that he had seen the two policemen brutally beating Moore, was the first witness called. He testified that he was attracted by a growd around the coal wagon as he was went up alongside he noticed the two policemen beating Moore over the knuckles with their billies. Although he could not identify either of the policemen, he said he saw them drag Moore from the seat.

know the police have a lot to cope "he said, "but it was a brutal assault. If that driver was not mortally injured it was not the policemen's fault. I know the police have a lot of trouble in enforcing the traffic regulations, but it impressed

me that the assault upon this driver was wholly unwarranted." Later Mr. Schiff was recalled to the stand, and he admitted that he might have been and he admitted that he might have been mistaken about the brutality of the assault. He said he stood on the outskirts of the crowd, where he could not see very well, but nevertheless it appeared to him that the policemen were needlessly inflicting punishment on the driver.

A. S. Demorest saw the occurrence from his office at the corner of Fifth avenue and Thirty-third street. He noticed, he testified, that Knobloch signalled Moore to slow up and that the driver paid no heed. He believed that the driver was drunk and was positive that he was not thrown from was positive that he was not thrown from the truck by the policeman. Robert Johnson, assistant editor of the Century Magazine, saw Knobloch and Kreutzer on the seat and declared that Moore fell when the

and declared that Moore left when the horses started.

Several other witnesses, among them Robert W. Jackson, a furniture designer of 138 East Fortieth street; Charles O. Flemming of Scarsdale, N. Y.; J. H. Hackman of 359 Fifth avenue, and Miss Hedman of James Court, testified that the driver was not pushed from the wagon. Then two Bellevue Hospital surgeons testified that Moore was suffering from alcoholism when he was brought to the hospital, and Mr. Hanson promptly acquitted the policeman.

"These two officers should be commended for doing their duty," said the trial commissioner in announcing his decision, "and I dismiss the complaint. Instead of being censured they should be commended."

PRESIDENT AT HIS DESK.

Attacks Work That Had Accumulated During His Absence.

Washington, May 23.—President Roose velt was in his office bright and early this morning, seemingly much refreshed by his five days outing in Albemarle county, Va., and attacked the mass of correspondence and routine work that had accomulated during his absence. Although the President has not been in town since last Friday, there were comparatively few visitors at

there were comparatively few visitors at the White House to-day. The notable visitors were Senator Cullom of Illinois and Joseph G. Cannon.

Cooking Suggestions

Are you thoroughly satisfied with all of your baking and cook-ing? If not, you can take a long step toward better results by learning what wonderful help you may receive from

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Book of Recipes and Cooking Suggestions It is more valuable than any cook book because it contains, besides many recipes, scores of suggestions that have helped thousands of housewives to perfect Yours for the asking; drop a postal.

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N. Y. TUNNEL CO. IS BANKRUPT

FAILURE WON'T STOP WORK ON BROOKLYN TUBES, HOWEVER.

insolvency Acknowledged for the Benefit of Creditors Generally-Company Has Had a Hard flow to Hee Since its Birth -Owes More Than \$100,000 All Told.

The New York Tunnel Company, a subsidiary company which has the contract for the construction of the rapid transit tunnels from New York to Brooklyn, passed into involuntary bankruptcy yesterday. Three creditors of the company, characterized as "infrequent exceptions" among courteous and considerate creditors, filed a petition in the United States District Court. Judge Holt granted it and appointed T. Tileston Wells receiver with authority to continue the construction of the tunnel for twenty days. David L Hough, president of the New York Tunnel Company, agreed to the appointment of a receiver. The bankruptcy was decided upon as a fair measure to the creditors.

The company, which holds a sub-contract from the Rapid Transit Subway Construction Company worth about \$4,500,000, owes about \$150,000, mostly for materials There are claims for damages against it too, there being about forty-six suits of this kind, as set forth in the petition. Instalments on its contract have been held up by the city, partly because of liens for material and labor filed against the company. In addition, because of the need of correcting the direction and grade of the tunnels, payments of about \$100,000 were withheld by the city from the main company, which in turn withheld them from the subsidiary company.

The petition filed in the United States District Court yesterday through Philbin, Beekman & Menken of 52 William street bore the names of Andrew D. Baird, David Smith and William H. Clark. They set forth that the company owed \$100,000 and was insolvent. The company, it was stated, further admitted in writing its nability to ray debts and its willingness to be adjudged a bankrupt. The claims of the petitioners were for materials. The sums were stated: Andrew D. Baird, \$1,388; David H. Smith, \$177.06; William H. Clark, \$1,367.45.

The company has as assets \$5,000 in cash. teams and wagons to the number of ten or more, tools and machinery and a valuable contract.

Mr. Wells will continue the business for the term of twenty days named, or longer if so ordered. A trustee will be appointed later. Mr. Wells may be named in that place.

The company's debts have harassed it for some time. It never was heavily capitalized, the copartnership directory giving the figures as \$250,000. David L. Hough has been president since last May. H. E. Brooks is secretary and William Elder treasurer. H. B. Brown is chairman of the board of directors, who, besides Mr. Hough, are H. B. Wilson, John D. Macennan and John G. Hanrahan.

The sub contract for the tunnel from Battery Park, Manhattan, to and under Furman street and up the hill to Clinton street, Brooklyn, was a part of Contract of the Rapid Transit Railroad system. It was let by the Rapid Transit Subway Construction Company to Andrew L. Onderdonk in 1902. Air was put on the tunnel on December 14, 1903, and the north tube was December 14, 1903, and the north tube was completed in exactly three years. To support Mr. Onderdonk the New York Tunnel Company was organized. Just before his death last May Mr. Onderdonk assigned his sub contract to the company, which proceeded with the work. D. L. Hough, the president, has had executive charge since the latter part of June, 1905. The boring of the second tube was completed on March 1 of this year.

There is not more than three months work to be done on the tunnel now, it is understood, and work is not to be delayed in any way by the failure. The main company doubtless will see to that, because expenses will be for material or labor to be used in the construction.

used in the construction.

In constructing the tunnel there were many deviations from grade, so that the tube first opened was full of bumps. It was explained that in pushing the two great shields forward through the soft sand from the Brooklyn end an insufficient air great shields forward through the soit sand from the Brooklyn end an insufficient air pressure was maintained, making more pressure on the top of the shield than was calculated on. Thise gave the shields a downward pitch and they did not follow the grade laid out by the engineers. The shield, when it was got back to the theoretical grade gradually, naturally left a bump. In addition, when the forward end took a downward pitch the steel cylinder back of the headings was flattened and that made the top of the tube flat. That would have made it impossible for cars to get through some parts of the tube because of the interference of the roof of the tube with the tops of the cars.

The Rapid Transit engineers said that the difference in grade was the fault of the construction company. The construction company laid it to the original plans. They were drawn for the commission by William Barclay Parsons, who afterward became a consulting engineer for the Belmont com-

Barclay Parsons, who afterward became a consulting engineer for the Belmont company, as the Rapid Transit Subway Construction Company is known. The total distance which had to be reconstructed was 1,600 feet. One thousand feet of this was in the south tube.

The New York Tunnel Company issued

the following statement yesterday The action taken by the New York Tunnel Company in acknowledging its insolvency is for the Benefit of its creditors generally. The creditors of the company have treated us with the utmost courtesy and considera-tion, with infrequent exceptions. It is one of these latter that has led to the protective measure.

The present management took over the

work when a condition similar to the present existed, with the work only fractionally complete, and they appreciate that their success in continuing for twenty-three months under the heaviest of burdens has been largely due to the cooperation of the material and supply people. The New York Tunnel Company's present lack of funds is due to their heavy expendi-

tures in the execution of work additional to the contract, for which they have not yet received payment.
While ultimate payments for work done are believed to be assured these prospects are contingent assets only and not at present available. Therefore, pending such adjustment, in fairness to the creditors their

interests are protected. Army and Navy Orders.

WARRINGTON, May 23.-These army orders were issued to-day:

Major Chase W. Kennedy, Adjutant-General,
from Philippines Division to San Francisco.
Major Sidney S. Jordan, Adjutant-General, from
Washington to Manila.
Capt. Theophilus B. Steele, Coast Arttlery, to
Hayana

Capt. Theophilus B. Steele, Coast Artillery, to Havana.

The following changes of Adjutants-General are ordered: Licul. Col. Henry E. Robinson to Atlanta, relieving Major Ira A. Haynes, who will proceed to Manila; Lieut. Col. John V. White to Omaha, relieving Major Charles R. Noyes, who will proceed to Vancouver Barracks.

Capt. Charles M. Bundel, Sixteenth Infantry, from Milwaukee Academy to his regiment.

First Lieut. Charles T. Smari, Field Artillery, from Columbus Barracks to San Francisco and enter upon recruiting duty at that place, relieving Lieut. Col. Charles W. Foster, Field Artillery, Majors Charles W. Foster, Field Artillery, Surgeons, are detailed to represent the Medical Department of the army at the fifty-cighth annual meeting of the American Medical Association at Atlantic City, June 4 to 7.

These pavy orders were issued: Rear Admiral W. H. Brownson, to Chief of Bureau of Navigation, Navy Department, Washington. Commander H. C. Poundstone, retired, from Galreston, Texas, to home. Midshipman B. H. Steele, from the Rhode Island Midshipman B. H. Steete, from the knooe island to the St. Louis.

Assistant Surgeon R. B. Chapman, resignation as Assistant Surgeon in the navy accepted to take effect July 1. SHOOTING UP OF BROWNSVILLE.

A Bit of Ohio Politics injected into the Hearing on Examination of Mayor Cambe.

WASHINGTON, May 23.-There was a pinch of Ohio political spice sprinkled into the Brownsville stew to-day. Senator Foraker was cross-examining Dr. Fred J. Combe, Mayor of Brownsville, at the investigation being conducted by the Senate Committee on Military Affairs into the affray which resulted in the dismissal of an entire battalion of negro troops.

"What is there in the story that a fund of \$10,000 has been raised by the citizens of Brownsville as a reward to the person who will produce evidence leading to fixing the guilt of those responsible for shooting up the town?" inquired Mr. Foraker. "There is nothing in that story, Senator," replied the Mayor. "That was started by

an Ohio man." Senator Warren, the chairman, snickered, and the mirth spread to other members. Even Mr. Foraker smiled.

"An Ohio man?" he inquired, affecting surprise. "Will you be kind enough to give us the name of this Ohio man?" "Longworth," replied the Mayor, at which the laughter became loud and gen-

eral.

"Certainly not Nicholas Longworth?"
suggested Mr. Foraker, whose interest
in the matter seemed to quicken perceptibly. "You don't mean the President's
son-in-law?"

son-in-law?"

"Certainly not," replied Mayor Combe with an air of impatience.

"I am glad to hear that," replied the Ohio Senator. "Mr. Nicholas Longworth is a constituent of mine."

Mayor Combe was on the witness standard both the morning and afternoon sessions.

at both the morning and afternoon sessions and had not concluded his evidence when the committee adjourned for the day. Dr. Combe was post surgeon at Fort Brown, had served in the Philippines with negro troops and declared that he had no prejudice against them. When it was learned that the negro battalion was to be sent to Fort Brown he, as Mayor, had in-structed the chief of police to see that the negro troops were treated as well as the white troops had been before. No case of a clash was reported to the Mayor until August 13, when the case of an alleged assault on Mrs. Evans by a negro soldier was reported. The fown was much stirred up over the affair, and he as Mayor had in-structed Major Penrose to keep the soldiers in the garrison that night, the night of the

The Mayor told the story of the shooting The Mayor told the story of the shooting and said that when he carried to Major Penrose empty shells and other evidence and had said: "Major, your men did this shooting, the evidence is conclusive," the Major had replied that the evidence appeared conclusive. He said that Major Penrose had more than once expressed the opinion that the soldiers did the shooting.

THE DOMINICAN TREATY

wothing to Prevent an Exchange of Ratifications, Says Secretary Root.

WASHINGTON, May 23.-The misunderstanding over the Dominican treaty has now been cleared away and in the opinion of Secretary Root there is nothing to prevent a speedy exchange of ratifications. United States Minister Dawson, who undertook the rather arduous job of piloting the treaty through the Dominican Congress and succeeded after much effort, was in consultation with Secretary Root and Assistant Secretary Bacon to-day in regard to the matter, particularly with reference to the effect of the explanatory notes which the Dominican Congress adopted at the time it passed the treaty. With them were Prof. Hollander of Johns Hopkins University, who made an investigation of Dominican finances for the Government

Dominican finances for the Government and has taken an important part in negotiating the treaty and in the settlement of Santo Domingo's affairs, and Minister Joubert of Santo Domingo.

The decision was reached that the notes do not in any way change or affect the treaty proper, which was passed in precisely the same form as it was by the United States Senate. It is pointed out that the notes are simply explanatory and not cisely the same form as it was by the United States Senate. It is pointed out that the notes are simply explanatory and not unlike similar resolutions which our Congress has passed at different times with reference to treaties, but in no way change the agreement. The exchange of ratifications will follow as the part step.

the agreement. The exchange of radius tions will follow as the next step.

Minister Dawson, Minister Joubert and Prof. Hollander spent the entire day in Secretary Bacon's office. Minister Joubert Secretary Bacon's office. came to the department in a fired carriage about 10:30. He told the colored driver to await his return. The negro waited patiently for two hours and then became uneasy. Three hours and a half passed and still his fare did not return. Then the negro sought the office of the Secretary of State and inquired if any one had seen a "little short man with a black mustache" who had hired his carriage "and then dun sneak away by de back do' and dun never

oome back to pay me."

Minister Joubert sent word to the cabbie that he had not left the building and would fully compensate him for waiting until he was ready to leave. The conference lasted until 5 o'clock

THE ABRUZZI HOLDUP.

Italian Ambassador Talks Over the Matter With Secretary Root.

WASHINGTON, May 23. - The Italian Ambassador, Mayor des Planches, called at the State Department and had a talk with Secretary Root regarding the Glen Echo incident of several days ago, when the Ambassador, with the Duke of Abruzzi and their party, were held up by Marshal Collins for speeding their automobiles. On leaving the Department the Ambassador admitted that he had discussed the matter with Secretary Root, but declared that he made no formal complaint.

The Ambassador considers the holdup and the manner in which it was done as an insult, particularly in view of the fact, as he avers, that the machines were not exceeding the speed limit, and furthermore that they

the speed limit, and furthermore that they were stopped after they had passed through the village of Glen Echo. The Ambassador is also indignant at the manner in which some newsapapers have treated the incident. What to do with Collins or how to stop the repeated indignities to foreign diplomats is somewhat of a serious problem to the State Department. The marshal contends that he is upholding the town regulations and the laws of Maryland, but at the same time foreign representatives are imsame time foreign representatives are immune from arrest or disturbance by national or State officials. It is not improbable that the Department may take the matter up with the Maryland authorities to see if something cannot be done to restrain the activities of the Glen Echo marshal.

UNCLE JOE IN WASHINGTON. Won't Discuss His Reputed Candidacy for Presidential Nomination.

Washington, May 23 .- When Speaker Cannon left the White House this morning, after a little visit with the President, one of the reporters reminded him of the interview given out by Senator Hopkins of Illinois that Mr. Cannon would be a candidate for the Presidency on a tariff revision platform. Uncle Joe took off his hat and made a low

bow. "Come around next December when Con-

"Come around next December when Congress convenes and get real news and not these 'think' stories," he said.

"Is it true that the Republicans of Illinois have indorsed you for the Presidency?"

"It would be mortifying to hear it, but hardly modest for me to admit it. I would rather that it should be in the hearts of the people to make me President than that I should be President.

"I'm going down to North Caroline." "I'm going down to North Carolina, where I was born." continued Mr. Cannon. "My birthplace was a Quaker institution; you know I am a Quaker."

you know I am a Quaker."

Joseph G. Cannon was born at Guilford
College, near Greensboro, N. C., in 1836.
He has not revisited the place since he
was a boy. If he had gone to Guilford sixteen days ago he would have celebratedhis seventy-first birthday there.

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(Per Pair) Single Bed, \$1.50, 2.00, 2.25, 2.75, 3.25 Double Bed, \$2.00, 2.25, 2.50, 3.00, 3.75 Cotton Pillow Cases (Per Pair) 45c, 50c and up to \$1.00.

James McCutcheon & Co. 14 WEST 23D STREET.

FOR FAIR REAPPORTIONMENT

GOV. HUGHES LIKELY TO GET THE KIND OF BILL HE WANTS.

The Measure is to Be Submitted to a Caucus of Republican Senators and the Governor's Friends Will Control the Caucus -The Old Guard Thoroughly Cowed.

ALBANY, May 23.-That Gov. Hughes will get the kind of reapportionment he wants is regarded as almost certain by observers of legislative matters. But that t will not be secured without one of the bitterest struggles that the Republicans have ever had in their ranks is also known. Senator Raines still sticks to the plan of correcting only the two districts that the Court of Appeals declared unconstitutional. but whether or not the apportionment committee that he named will follow him in this respect is now decidedly uncertain.

Senator Tully has had several talks with the Governor. He and Senator Cobb, who are members of the subcommittee named to draft the bill, are to confer to-morrow Senator McCarren is also a member of that committee, but he went to New York tonight, so that the subcommittee will not meet. There are evidences of Senators Tully and Cobb wanting to give the Governor a bill that he will sign and which will be constitutional.

There are nine members of the apportionment committee and the Governor can rely on the support of Senators Tully, Cobb and Agnew. Senator Gilchrist of Brooklyn is controlled by Michael J. Dady, so that even the wishes of State Chairman Woodruff will not be heeded by him. It is likely that Senator Gilchrist will also be with the Governor. Whether Senator Franchot would be against the Governor on a fair apportionment is a matter of conjecture. Senators Cassidy and Smith are the other Republican members of the committee. There have been rumors going the rounds that Senator Cassidy is indifferent as to whether he shall come back to the Senate.

However, the apportionment plan is o be submitted to a caucus of the Republican Senators, and even if the plan that is believed to be one that the Governor will sign is rejected by the majority of the ommittee it will be put up to the caucus.

There is no doubt in the minds of all hat the old guard is thoroughly cowed. They thought they were digging a grave for the Governor by their dilatory tactics. They thought that the Governor would get out of patience and in order to get the Legislature off his hands would let it do as it saw fit. They never realized that the Governor was simply letting them tire themselves out. Now they realize that the grave that they dug is for themselves

the grave that they dug is for themselves if they don't do as the Governor has recommended in his message.

Whereas two months ago they were in a mood to combat with the Governor on anything that didn't meet with their views, they now are ready to yield. It is for that reason that if the plan that will be considered a fair and constitutional one is drawn it is believed it will be adopted by the Republican caucus, despite the contrary views of Senator Raines. The one and only desire of the majority of the Republican Senators is to get through with and only desire of the majority of the Republican Senators is to get through with the session and adjourn. Any attempt to pass a bill providing for the annexation of Richmond county to Suffolk and Nassau, it is known, will be vetoed in advance of its passage, so the majority of Senators don't see what is the good of trying to defy the Governor when he has shown already what he will do in regard to holding the Legislature in session.

Legislature in session.
Senator Tully knows how the Governor feels on the matter of apportionment.
While the Governor has not told him how ne wants the State redistricted the Senator rom Steuben realizes what a fair constitutional apportionment means. constitutional apportionment means. The Governor, however, has declared for two districts for Westchester county. This undoubtedly will be contained in the bill that Senator Tully will draw. Richmond and Rocktand counties will be made one district, Putnam will be annexed to Orange county. Two new Senate districts thus will be created in the Hudson River section of the State. In order to meet this it will will be created in the Hudson River section of the State. In order to meet this it will mean that two districts will have to be wiped out up-State. Westchester county at present has a population of 228,65, so that with two districts it will give to each populations of 115,000. Monroe has two districts and the population is only about 10,000 greater than Westchester county. The two Westchester districts would even be larger in population than Senator Raines's district of about 100,000, Senator Cassidy's less than 100,000, and Senator

Cassidy's less than 100,000, and Senator Wilcox's of 110,000.

Consequently in order to meet the situation by creating two new districts in the southern part of the State the districts of either Senators Raines and Wilcox or Senators Raines and Cassidy will have to be wiped out and the entire State redistricted. Senator Cassidy said earlier in the week Senator Cassidy said earner in the week that he was not ready to be a martyr, and it isn't likely that Senator Raines is any more desirous of offering himself up as a sacrifice. He would bitterly oppose the creation of any district that he could not

apportionment committee will be ready to report until Tuesday and the caucus may not be held until Tuesday night.

Hearing on Gansevoort and Wallabout Market Bill.

ALBANY, May 23.-Gov. Hughes gave a hearing to-day on the Eagleton bill which provides that the Gansevoort and Wallabout markets in New York and Brooklyn shall markets in New York and Brooklyn shall be used exclusively by farmers. The bill was favored by the introducer. Senator Travis, John Buckle, representing the Gansevoort Business Men's Association, and G. E. Van Sicklen representing the State Farmers and Gardeners' Association, while it was opposed by John Hearley, who represented a number of persons commission. sented a number of persons, commiss men and middlemen now using the market, who would not be allowed to continue such use. . The Governor preserved decision.

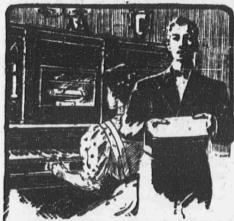
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fine Piano which every member of your family can play at once-without any previous musical train-The skilled musician will enjoy the instrument be-

cause its rich tone and even scale make it a delight for hand playing. The music lover who does not know one note from another will enjoy it and play

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sonal command.

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wonderful possibilities. We should like to have you sit down hore in a wonderful possibilities. We should like to have you sit down hore in a previous experience whatever.

Fourth Floor.

MRS. ISABEL CASE ARRESTED. The Woman Who Persisted in Seeing the

President at Oyster Bay and Washington. WASHINGTON, May 23,-Mrs. Isabel Emerson Case, or Miss Asi L. Esac, the woman who made repeated efforts at Oyster Bay last summer to see President Roosevelt, has been arrested here on a charge of insanity and is held at the House of Detention pending examination. Some weeks ago

Mrs. Case was tried by a commission in

lunacy here and dectared to be insane.

Subsequently, however, she was permitted to leave Washington. Mrs. Case was taken into custody last night just before the President's return from Virginia. When informed that she was a prisoner Mrs. Case flew into a rage and defied her captors. The policemen had a good deal of trouble in getting her to the House of Detention.

Mrs. Case made a number of visits to Oyster Bay last summer. She says she is the victim of an intrigue which robbed her of the man she was to have married, and to right this fancied wrong she has made innumerable efforts to force her presence on the President

ence on the President

One Sunday not long ago, attired in a costume of brown, the woman attended services at the Grace Reformed Church and occupied a pew directly behind the one in which President and Mrs. Roosevelt were seated. Her actions on this occasion, however, were beyond reproach and she was not molested. n her persiste to see Mrs. Roosevelt or the President Mrs. Case seems normal. Her strange actions Case seems normal. Her strange actions have occasioned much speculation both here and in Oyster Bay. When arrested last night she was attired in a suit of black proadcloth, with hat and gloves to match. Her manner, while at times very excitable,

s usually composed.

When ushered into the House of Detention she informed the officers there that she would not be detained long, as her influential friends would come to her aid. She requested that several prominent men be com-municated with and upon the promise of the officers to do so permitted herself to be ocked in a cell. Later, however, she became violent and talked irrationally, making it necessary to place a special guard at the door to maintain a vigil during the night. The Washington Detective Bureau to-day telegraphed to the chief of police of Haverhill, Mass., requesting him to locate Simon Case, the father of the woman ar-rested there, with a view to having relatives take charge of her and remove her to her home in Haverhill

JOHN L.S NEPHEW PARDONED.

The President Signs the Paners Re leasing

Him From Governors island. WASHINGTON, May 23.-The President co-day signed the pardon of John L. Lennon, formerly a private in the United States Marine Corps, and in so doing closed a case which has attracted the attention of army and navy officers generally during the last two weeks. Lennon is a nephew of John L. Sullivan, formerly pugilistic champion of the world, and is serving a sentence at Governors Island for desertion. John L. Sullivan recently called on the President twice to urge the pardon of his kinsman. declaring that the young man had not intended to desert, but had simply overstayed his leave by three days.

his leave by three days.

The President, after some consideration of the matter, made it known that he would pardon Lennon, but on the condition that the man should reenlist in the Marine Corps for a full term of four years. Then the legality of his proposed action was questioned and the matter was referred to the Attorney-General for an opinion. The substance of the Attorney-General's opinion was that the President's power to pardon cannot be questioned, and the papers in the Lennon case were sent back to the White House two days ago for the President's signature. dent's signature.

It is possible that the case is not yet closed, after all, for many officers who have had experience with the laws and regulations regarding the reenlistment of deserters cannot understand how it is legally possible to comply with the condition that Lennon shall renlist in the service. shall reenlist in the army, navy or Marine Corps, since the statutes make it unlawful to accept the reenlistment of a man who has once been a deserter.

Henry G. Ward Succeeds Judge Wallace. WASHINGTON, May 23.—The President today appointed Henry Galbraith Ward of New York to be United States Judge for the Second Judicial Circuit, in place of Judge Wallace, resigned. Judge Ward, who is a member of the bar in New York, has, according to a statement given out at the White House this morning, "the prac-tically unanimous indorsement of the bench and bar and was also indorsed by Senators Platt and Depew."

President's Guests at Luncheon.

WASHINGTON, May 23.-Secretary Taft, Speaker Cannon and Representative Nicholas Longworth of Ohio were among the guests of the President at luncheon IN BEHALF OF JEWS.

Bill Prohibiting Hotels From Discriminating Against Them.

ALBANY, May 28. - As the result of the action of Atlantic City hotel keepers in advertising that they would not accept as patrons any Jews. Senator Saxe to-day introduced a bill prohibiting any person who is in public business advertising that he would not accept as patrons persons of any race. The law of this State now com-pels hotel keepers to provide accommoda-tions for all members of any race or color, providing they are reputable persons, but there is nothing to prevent hotel keepers or others advertising that they will not accept Jews.

A few years ago the Jews of this State brought about the resignation of Melville Dewey as State Librarian because he was the head of the Lake Placid Company and the literature of the concern announced that no Jews would be received.

FOR FIVE CENT FARE TO CONEY, Senator Frawley Going to Move to Pass the

Bill Out of Its Order. ALBANY, May 23 .- Senator Frawley gave notice to-day that he is going to move to suspend the rules so as to discharge the Senate Railroads Committee from further consideration of Assemblyman Wagner's bill providing for a five cent fare to Coney Island. This is to be followed by a motio to suspend the rules and pass the bill out of its order. The Senate Railroads Committee

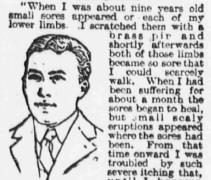
refuses to report the bill. refuses to report the bill.

Sonator Agnew is going to try to get the bill passed providing for additional municipal court justices in New York City. To-day he gave notice that he is going to move to suspend the rules to pass the bill out of its order. When the bill was reported by the Senate Cities Committee yesterday Senator Cohalan objected to its being advanced to third reading, so that it is now in general orders.

SCALY ERUPTIONS **COVERED HIS BODY**

Itched Constantly - Scratched Until Blood Flowed - Suffered 10 Years - Doctors and Medicines Were Fruitless - Tries Cuticura and Is Completely Cured

BY THREE BOXES OF CUTICURA OINTMENT



sores began to heal, but small scaly eruptions appeared where the sores had

where the sores had been. From that time onward I was troubled by such severe itching that, until I became accustomed to it, I would scratch the sores until the blood began to flow. This would stop the itching for a fow days; but scaly places would appear again and the itching would accompany them. After I suffered about ten years I made a renewed effort to effect a cure. The eruptions by this time had appeared on every part of may body except my face and hands. The best doctor in my native county advised me to use arsenio in small doses and a salve. I then used to bathe the sores in a mixture which gave almost intolerable pain. In addition I used other remedies, such as iodine, suiphur, zinc salve,

Ointment, and in fact I was consulphur, zinc salve, ——'s Salv Ointment, and in fact I was continually giving some remedy a fair trial, never using less than one or two boxes or bottles. All this was fruitless. Finally myhair began to fall out and I was rapidly becoming bald. I used but it did no good. A few months after, having used almost everything else, I thought I would try Cuticura Ointment, having previously used Cuticura Soap and being pleased with it. After using three boxes I was completely cured, and my hair was restored, after fourteen years of suffering and an expenditure of and my nair was restored, after fourteen years of suffering and an expenditure of at least \$50 to \$60 in vainly endeavoring to find a cure. I shall be glad to write to any one who may be interested in my cure. B. Hiram Mattingly, Vermillion, S. Dak., Aug. 18, 1906."

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